

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECOND AMENDMENT ARMS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 10-CV-4257
)	Judge Robert M. Dow, Jr.
CITY OF CHICAGO, et al.,)	Magistrate Judge Sheila M. Finnegan
)	
Defendants.)	

**DEFENDANTS' MOTION FOR AN EXTENSION OF
TIME TO ANSWER OR OTHERWISE PLEAD**

Defendants City of Chicago (the "City"), Mayor Richard M. Daley, Superintendent Jody P. Weis, Miguel Del Valle, and Mara S. Georges (collectively, "Defendants"), by their counsel, Mara S. Georges, Corporation Counsel of the City of Chicago, hereby respectfully move this Court to extend the time for Defendants to answer or otherwise plead to Plaintiffs' First Amended Complaint to and including November 24, 2010. In support of their motion, Defendants state as follows:

1. Plaintiffs filed their original complaint on July 9, 2010.
2. On September 21, 2010, Plaintiffs filed an Amended Complaint.
3. On October 1, 2010, without first obtaining leave of this Court as required by Fed. R. Civ. P. 15(a), Plaintiffs filed a First Amended Complaint.
4. On October 6, 2010, the City and Defendants Mayor Daley, Del Valle, and Georges were served with summons and the First Amended Complaint.
5. If Plaintiffs had first obtained leave to file the First Amended Complaint, Defendants would have until October 27, 2010 to answer or otherwise plead to Plaintiffs' First Amended Complaint.

6. To the extent the Court grants Plaintiffs leave to file their First Amended Complaint *nunc pro tunc*, Defendants respectfully request an extension of time, to and including November 24, 2010, to answer or otherwise plead.

7. Plaintiffs' First Amended Complaint contains federal and state claims challenging virtually every provision of the City's Responsible Gun Owners' Ordinance (the "Ordinance").

8. Since Defendants were served with the First Amended Complaint, Defendants' counsel have been responding to discovery in *Benson, et al. v. City of Chicago, et al.*, No. 10-CV-4184, which challenges certain provisions of the Ordinance and is currently pending before Judge Ronald A. Guzman.¹ Additionally, Defendants' counsel have been working on various other matters for the City which were delayed due to preparations for a preliminary injunction hearing before Judge Virginia Kendall on October 1 and 4, 2010, in *Ezell, et al. v. City of Chicago*, No. 10-CV-5135, which challenges the Ordinance's prohibition on firing ranges within the City.

9. Due to the breadth of Plaintiffs' claims and the schedule of Defendants' attorneys, Defendants require an extension of time, to and including November 24, 2010, to answer or otherwise plead to Plaintiffs' First Amended Complaint.

10. This is Defendants' first request for an extension of time to answer or otherwise plead.

11. Defendants' counsel spoke with Plaintiffs' counsel regarding this motion, and Plaintiffs have no objection to the granting of an extension to and including November 24, 2010 to answer or otherwise plead.

¹ Indeed, on October 20, 2010, Defendants filed a motion to have this case reassigned to Judge Guzman as related under Local Rule 40.4, and that motion is currently being briefed.

WHEREFORE, for the foregoing reasons, Defendants respectfully request that the Court grant Defendants an extension of time, to and including November 24, 2010 , to answer or otherwise plead to Plaintiffs' First Amended Complaint and grant Defendants such further relief as this Court deems just and appropriate.

Date: October 25, 2010

Respectfully submitted,

MARA S. GEORGES,
Corporation Counsel for the City of Chicago

By: /s/William Macy Aguiar
Assistant Corporation Counsel

Michael A. Forti
Mardell Nereim
Andrew W. Worseck
William Macy Aguiar
Rebecca Alfert Hirsch
City of Chicago, Department of Law
Constitutional and Commercial Litigation Division
30 North LaSalle Street, Suite 1230
Chicago, Illinois 60602
(312) 744-9018 / 6975 / 7129 / 4216

Attorneys for Defendants